



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



APPLICANT: Jacob BARAK et al.

GROUP: 3764

SERIAL NO: 09/941,909

EXAMINER: J. Yu

FILED: August 29, 2001

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TECHNOLOGY CENTER R3700

FOR: PORTABLE AMBULANT PNEUMATIC COMPRESSION SLEEVE

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING SECOND APPLICATION**

The Assignee, Medical Compression Systems (D.B.N.), of one hundred (100) percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173 of US Patent Number 6,478,757 as shortened by any terminal disclaimer filed prior to the grant of US Patent Number 6,478,757. The assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second US Patent application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 US Patent Number 6,478,757 as shortened by any terminal disclaimer filed prior to the grant of US Patent Number 6,478,757, in the event that US Patent Number 6,478,757: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a

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reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Enclosed please find a check covering the \$110.00 fee as required by 37 CFR §1.20(d).

**The undersigned is an attorney or agent of record.**

 4/30/03

Signature

Date

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Patent Application Number: 09/941,909

Attorney Docket Number: 4873CIPCON

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